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JENNY WOLFES

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JENNY WOLFES,

Plaintiffs,

vs.

BURLINGTON INSURANCE  
COMPANY AND DOES 1 to 25,  
Inclusive,

Defendants.

CASE NO. C07 00696, C0704657

**NOTICE OF PENDENCY OF  
OTHER ACTION OR  
PROCEEDING**

Pursuant to Civil Local Rule 3-13, plaintiff Jenny Wolfes ("Wolfes"), hereby notifies the Court of the following related actions:

1. *Jenny Wolfes v. Burlington Insurance Company*, case number C07-00696 RMW ("the Declaratory Relief Action").
2. *Jenny Wolfes v. Burlington Insurance Company*, now pending in the Northern District of California, case number C07-04657 JW ("the Bad Faith Action").

Wolfes filed the Declaratory Relief Action in the Superior Court of California, County of Santa Clara, on December 6, 2006, seeking a judicial determination of Burlington's obligation to defend her with regard to two state court actions.

1 Burlington removed the Declaratory Relief Action to the Northern District of  
2 California on February 2, 2007.

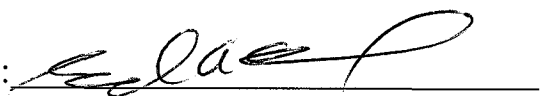
3 Wolfes filed the Bad Faith Action on September 10, 2007, asserting claims for  
4 Breach of Contract, Breach of the Covenant of Good Faith and Fair Dealing,  
5 Intentional Infliction of Emotional Distress, and Negligent Infliction of Emotional  
6 Distress against Burlington Insurance Company ("Burlington").

7 These two actions appear to involve substantially the same parties, property,  
8 transaction, or event and it appears likely that there will be an unduly burdensome  
9 duplication of labor and expense or conflicting results should these actions be tried  
10 before separate judges.

11 Therefore, Wolfes respectfully submits that to avoid conflicts, conserve  
12 resources, and promote an efficient determination of the action, these two actions  
13 should be coordinated, by reassigning the high-numbered action (case number  
14 C07-04657) to the Honorable Ronald M. Whyte, the Judge assigned to the low-  
15 numbered action (case number C07-00696).

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17 Dated: December 10, 2007

HINKLE, JACHIMOWICZ, POINTER &  
EMANUEL

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20 By:   
21 Gerald A. Emanuel  
22 Attorney for Plaintiff  
23 JENNY WOLFES  
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